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ABSTRACT

One of the most important ways that individual citizens become involved in the federal judicial process is by serving on a jury. Jury service is one of the few legal responsibilities citizens in the United States have to their government. Though some people complain about the imposition of serving on a jury, many find that their service gives them unique insights into the judicial process and an unusual opportunity to deliberate with others on weighty questions of law and evidence. With this lesson plan, students learn the difference between a trial jury and a grand jury and complete a brief activity that tests their understanding of juror qualifications and exemptions. The lesson provides an overview, educational objectives, links to both civics and social studies standards, materials needed, handouts, and step-by-step classroom procedures. (BT)

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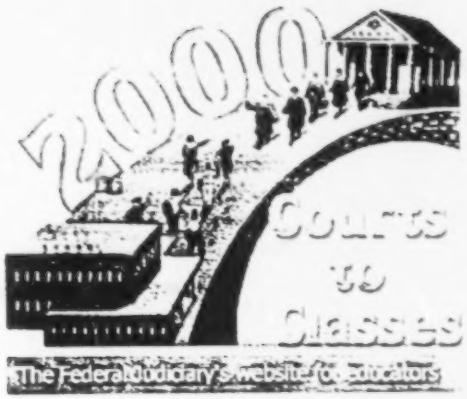

The Function of and Qualifications for Jury Service

A Lesson Plan for High School Law-Related Educators to support "Understanding the Federal Courts"

SO 032 466

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The Function of and Qualifications for Jury Service

Content Areas: U.S. Government, Law

Grades: 9-12

Time

45 minutes

Overview

One of the most important ways that individual citizens become involved in the federal judicial process is by serving on a jury. Jury service is one of the few legal responsibilities citizens in the United States have in their government. Though some people complain about the imposition of serving on a jury, many find that their service gives them unique insights into the judicial process and an unusual opportunity to deliberate with others on weighty questions of law and evidence. In this lesson, students learn the difference between a trial jury and a grand jury and complete a brief activity that tests their understanding of juror qualifications and exemptions.

Objectives

At the end of the lesson, students will be able to:

- Describe the function and importance of a jury in U.S. government;
- Describe the difference between a trial jury and a grand jury;
- List the qualifications for a juror.

Links to National Standards for Civics and Government

Content Standard III (A), 1. Distributing government power and preventing its abuse. Students should be able to explain how the Constitution grants and distributes power to national and state governments and how it seeks to prevent the abuse of power.

Content Standard III (B), 1. The institutions of the national government. Students should be able to evaluate, take, and defend positions on issues regarding the purposes, organization, and functions of the institutions of the national government.

Content Standard III (D), 2. Judicial protection of the rights of individuals. Students should be able to evaluate take, and defend positions on current issues regarding the judicial protection of individual rights.

Link to National Council for the Social Studies Standards

Power, Authority, and Governance

Social studies programs should include experiences that provide for the study of how people create and change structures of power, authority, and governance.

Materials

Overhead Transparency 1: The Difference between Trial and Grand Juries

Student Handout 1: Qualifications for Being a Juror

Teacher Answers Student Handout 1: Qualifications for Being a Juror

PROCEDURE

1. Focus

Before the lesson begins, write the following quotes from the Constitution on the board or overhead projector:

> *"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed...*
>
> — Amendment VI, U.S. Constitution

> *"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved...*
>
> — Amendment VII, U.S. Constitution

Explain to students that the Framers of the Constitution believed that trial by jury was so important that the right to a jury was preserved in the Sixth and Seventh Amendments to the U.S. Constitution. Ask students why this right is so important to be included with such other rights as freedom of speech and religion, freedom from unreasonable search and seizure, and other rights.

Through your initial discussion with students help them to understand that the jury trial is yet another way that government's powers can be kept in check. The assumption is that even if a court system becomes unduly influenced by other branches of government an impartial jury, along with other protections like the right to counsel, will help determine the truth and prevent the abuse of government.

Explain to students that there are two kinds of juries that serve separate functions in the federal courts, trial juries (also known as petit juries) and grand juries. Use Overhead Transparency 1: The Difference between Trial and Grand Juries to help students understand the difference between the two.

Explain to students that juries are not used very often. Sometimes a civil case is settled out of court, or a criminal makes a deal with prosecutors before a trial occurs. It is also possible to forgo a jury trial, in favor of having a judge decide the case, in certain circumstances. However, when there is a jury trial, there are some explicit qualifications for being a juror. Explain that the next activity will help students understand what those qualifications are.

Distribute Student Handout 1: Qualifications for Being a Juror. Given what they know about the purpose of a jury, ask students on their own to determine whether the people described should be able to serve. Explain that the class will use the examples to draft a list of qualifications for juries.

When students have completed the handout, review it with them. After each description, help students draft a list of qualifications for a jury at the bottom of the page. They should place this list in their notes. You may wish to have students summarize these qualifications by explaining why they are important for a jury to function properly in the American legal system.

The last description can be used as a segue into another lesson on voire dire. A lesson on this topic appears in this teacher's guide.

For homework, you may assign reading on qualifications, exemptions, and responsibilities for jurors. This guide contains a chart with descriptions of where such material appears in some popular government textbooks. If students are going to visit a court, you may have them draft a list of questions about juries for a judge or administrative member of the court. Alternatively, students could interview someone who has been on a jury and report back on their experiences.

RESOURCES

- *Understanding the Federal Courts*, (1999). (The Federal Judiciary Home Page, Administrative Office of the U.S. Courts, Washington, D.C. <http://www.uscourts.gov/>)

TRIAL JURY	GRAND JURY
6-12 members	16-23 members
Role is to decide whether defendant injured the plaintiff (civil case) or committed the crime as charged (criminal case).	Role is to determine whether there is "probable cause" to believe that an individual has committed a crime and should be put on trial.
Trials are generally public, but jury deliberations are private.	Grand jury proceedings are not open to the public.
Defendants have the right to appear, testify, and call witnesses on their behalf.	Neither defendants nor their attorneys have the right to appear before the grand jury.
Final outcome is a verdict, in favor of plaintiff or defendant in civil case, or guilty/not guilty in a criminal case.	Final outcome is decision to indict (formally accuse) the defendant or not.

Student Handout 1
Qualifications for Being a Juror

Read through the following descriptions and determine whether the people described should be able to serve on a jury. Write **Y** for yes and **N** for no. Be sure to include a brief explanation after each one. After you have recorded your initial impressions, your teacher will review them and together the class will draft a list of qualifications based on the discussion of the descriptions.

____ 1. Knut received a notice to serve on a jury in Washington, D.C. He is a resident of Washington, D.C., and is a German citizen.

Explain:

____ 2. Ella received a notice to serve on a jury in her town. She is 17 and a student at the local high school.

Explain:

____ 3. Juan received a notice to serve on a jury in his area. He speaks only Spanish.

Explain:

____ 4. Jackie received a notice to serve on a jury in her city. She has been living in the judicial district for two years. She is a waitress in a local diner and has never been convicted of a felony.

Explain:

____ 5. Roger received a notice to serve on a jury. He is currently in a hospital receiving treatment for schizophrenia.

Explain:

____ 6. Elizabeth received a notice to serve on a jury. She is a lawyer in town and knows the defendant in the trial.

Explain:

Based on your class discussion of the descriptions above, draft a list of qualifications for being a juror:

:

Teacher Answers — Student Handout 1
Qualifications for Being a Juror

Read through the following descriptions and determine whether the people described should be able to serve on a jury. Write **Y** for yes and **N** for no. Be sure to include a brief explanation after each one. After you have recorded your initial impressions, your teacher will review them and together the class will draft a list of qualifications based on the descriptions.

N 1. Knut received a notice to serve on a jury in Washington, D.C. He is a resident of Washington, D.C. and is a German citizen.

Explain: **Being a U.S. citizen is a qualification for being a juror, just as it is for voting.**

N 2. Elia received a notice to serve on a jury in her town. She is 17 and a student at the local high school.

Explain: **Again, the requirements for voting and jury service are similar. You must be 18.**

N 3. Juan received a notice to serve on a jury in his area. He speaks only Spanish.

Explain: **Proficiency in English is a requirement for understanding the trial proceedings.**

Y 4. Jackie received a notice to serve on a jury in her city. She has been living in the judicial district for two years. She is a waitress in a local diner and has never been convicted of a felony.

Explain: **You must have lived in the judicial district for 1 year and usually you cannot have been convicted of a felony (or have charges pending).**

N 5. Roger received a notice to serve on a jury. He is currently in a hospital receiving treatment for schizophrenia.

Explain: **Being in treatment for a mental condition, like schizophrenia, would disqualify a potential juror because of the effect the condition could have on objectivity.**

Y 6. Elizabeth received a notice to serve on a jury. She is a lawyer in town and knows the defendant in the trial.

Explain: **Elizabeth would be qualified under the law, but the attorneys for the defendant or prosecutor may strike her from the jury pool because she is an attorney or because she knows the defendant. However, this would be up to the attorneys.**

Qualifications (can be found in *Understanding the Federal Courts*, p. 19)

- U.S. citizen
- At least 18 years old
- Reside in the judicial district for at least 1 year
- Adequate proficiency in English
- No disqualifying mental or physical condition
- Not currently subject to felony charges
- Never convicted of a felony (unless civil rights have been legally restored)